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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,411	04/19/2004	Daniel F. Alexander	60,298-522; 269	2602
26096	7590	07/24/2006		
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			EXAMINER TRIEU, THERESA	
			ART UNIT 3748	PAPER NUMBER

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/827,411

Applicant(s)

ALEXANDER ET AL.

Examiner

Theresa Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13, 15-19 and 21 is/are rejected.
- 7) ☒ Claim(s) 6, 14 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

This Office Action is responsive to the applicants' amendment filed on May 19, 2006.

Claims 1, 6 and 14 have been amended. Claims 20 and 21 have been added. Accordingly, claims 1-21 are pending in this application.

The indicated allowability of claims 4, 8, 9, 13 and 16-18 is withdrawn in view of the newly discovered reference(s) to Narasipura et al. (Patent Number 6,749,412). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Shim et al. (Shim) (Publication Number 6,027,321).

Regarding claim 19, as shown in Figs. 8 (A), 8(B) and 10, Shim discloses a method of retaining a valve for a compressor: disposing a valve (10) in a valve chamber of a non-orbiting scroll (30); positioning a valve retainer (11) relative to the valve chamber; and flexing a portion of the valve retainer (11) between a disengaged position and an engaged position, the engaged

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position in which the valve retainer (11) is engaged to the non-orbiting scroll and the disengaged position in which the valve retainer is disengaged from the non-orbiting scroll.

2. Claims 1-5, 7-13, 15-19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Narasipura et al. (Narasipura)(Patent Number 6,749,412).

Regarding claims 1-4 and 11-13, as shown in Figs. 3, 7 and 8, Narasipura discloses a scroll compressor comprising: a sealed housing; a first and second scroll members (100, 100b) having a first/second base and a first/second generally spiral wraps extending from the first/second base (not numbered; however, clearly seen in Fig. 8), a discharge pressure chamber on a first side of the first base and a suction pressure chamber on a second side of the first base; the wraps of the first and second scroll members (100, 100b) interfitting to define compression chambers; a motor (see Fig. 8) for driving the second scroll member to orbit relative to the first scroll member; a valve (101) for controlling the communication of gas between the compression chambers and the discharge pressure chamber, the valve (101) disposed in a valve chamber of the first scroll member; and a valve retainer (300, 602) including a snap fit connector (120, 112; 606, 600) mounts the valve retainer (300; 602) to the first scroll member (100), the snap fit connector flexible between a disengaged position wherein the valve retainer is disengaged from the first scroll member and an engaged position wherein the valve retainer is engaged to the first scroll member; the snap fit connector (120, 112; 606, 600) comprising an opening (112; 600) and a protrusion (120; 606) the protrusion disposed in the opening when in the engaged position and the protrusion out of the opening when in the disengaged position; the opening comprises a groove (112; 600) and the protrusion comprises a ridge sized to be received by the groove; the

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groove (112) being disposed on the valve chamber and the ridge (120) being disposed on the valve retainer (300; 602).

Regarding claims 5, 7-10, 15-18 and 21, Narasipura discloses the valve retainer (300; 602) has a body spaced from a valve chamber bottom of the valve chamber, the valve spaced between the body and the valve chamber bottom; the body having at least one leg (not numbered; however, clearly seen in Fig. 3), the leg extending between the body and the valve chamber bottom; the body having at least one leg, the leg extending from the body towards a valve chamber rim (not numbered; however, clearly seen in Fig. 3); the leg comprising a portion of the snap fit connector; the valve retainer (300; 602) having a discharge opening (109) for communicating gas from the valve chamber to the discharge pressure chamber; the protrusion (120; 606) being disposed on one of the at least one leg an the valve chamber; the at least one leg comprising first and second legs; at least a portion of the snap fit connector (120, 112; 606, 600) contacting the valve.

Regarding claim 19, as shown in Figs. 3, 7 and 10, Narasipura discloses a method of retaining a valve for a compressor: disposing a valve (101) in a valve chamber of a non-orbiting scroll (100); positioning a valve retainer (300; 602) relative to the valve chamber; and flexing a portion of the valve retainer (300; 602) between a disengaged position and an engaged position, the engaged position in which the valve retainer (300; 602) is engaged to the non-orbiting scroll and the disengaged position in which the valve retainer is disengaged from the non-orbiting scroll.

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Allowable Subject Matter


Claims 6, 14 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT
July 15, 2006


Theresa Trieu
Primary Examiner
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